updated from 1997

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF TEXAS
Houston DIVISION

United States District Court
Southern District of Texas
FILED
DEC 06 2016
David J. Bradley, Clerk of Court

Jerome Van Zandt
Plaintiff's Name and ID Number

Harris County Jail
Place of Confinement

Transfer to 381 SAIA

CASE NO.____________________
(Clerk will assign the number)

OK

v.

Harris County inmates
Defendant's Name and Address

____
Defendant's Name and Address

____
Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.

2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.

3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.

4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of $350.00 plus an administrative fee of $50.00 for a total fee of **$400.00**.

2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.

3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." *See* 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire $350.00 statutory filing fee has been paid. (The $50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)

4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked **"NOTICE TO THE COURT OF CHANGE OF ADDRESS"** and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ___YES ✓ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: ______
2. Parties to previous lawsuit: N/A
   Plaintiff(s) ______
   Defendant(s) ______
3. Court: (If federal, name the district; if state, name the county.) ______
4. Cause number: ______
5. Name of judge to whom case was assigned: ______
6. Disposition: (Was the case dismissed, appealed, still pending?) N/A
7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: N/A

New inmate current inmate processing

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ___YES ___NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: ____________________

____

____

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: ____________________

____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

____

Defendant #2: ____________________

____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

____

Defendant #3: ____________________

____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

____

Defendant #4: ____________________

____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

____

Defendant #5: ____________________

____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

____

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

I Jerome Van Zandt was jumped and beating on wendsday 8th in ASIA after coming out of the Shower we got commisary went home I put mine away to the Shower I came out and 3 guys rushed me to others stomped and kicked me I left Emove to Medical ward my grievance is Still pending

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I have a current criminal case pending

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Jerome VanZandt

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

02866916 3518

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ____YES _✓_NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.) N/A

1. Court that imposed sanctions (if federal, give the district and division): __________
2. Case number: N/A
3. Approximate date sanctions were imposed: N/A
4. Have the sanctions been lifted or otherwise satisfied? ____YES _✓_NO

C. Has any court ever warned or notified you that sanctions could be imposed? _____YES ✓ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): ____________________
2. Case number: ____________________
3. Approximate date warning was issued: ____________________

Executed on: 12/1/16
DATE

[signature]
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this Thursday (Day) day of December (month), 20 16 (year).

[signature]
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Houston Division

ADDRESS & HOURS

Location:

United States Courthouse
515 Rusk Avenue
Houston, TX 77002

Correspondence:

David J. Bradley
Clerk of Court
P. O. Box 61010
Houston, TX 77208

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2014

7A Tex. Prac., Criminal Forms and Trial Manual § 89.29 (11th ed.)

Texas Practice Series TM
Criminal Forms And Trial Manual
April 2016 Update

Michael J. McCormick [a0], Thomas D. Blackwell [a1], Betty Blackwell [a2]

Part II. Criminal Procedure
Chapter 89. Habeas Corpus And Mandamus

§ 89.29. Request to proceed on pauper's oath [1]

[*Caption*]

PAUPER'S OATH

Now Comes A.B., Applicant, who deposes and says: That he is a citizen of the United States, he is Applicant in the above and foregoing action and he feels he has a good and just cause of action; that he is an indigent person without funds and he is therefore unable to pay the costs of prosecuting the ~~above and fore~~going action or to give security therefor, and he requests this Honorable Court's permission to proceed in forma pauperis.

____
A.B., Applicant
The State of Texas
County of _______

Before me, the undersigned authority on this day personally appeared A.B. who stated on oath that the foregoing pauper's oath is true and correct.

Given under my hand and seal of office this the _______ day of _______, 20_____.

____
Notary Public
State of Texas

[*See Chapter 44 for Proper Captions & Signatures*]

Notes

West's Key Number Digest

West's Key Number Digest, Habeas Corpus ⚷883

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Footnotes

a0 Former Presiding Judge, Court of Criminal Appeals, Austin, Texas.

a1 Former District Attorney and Senior District Judge, Austin, Texas. Deceased

a2 Board Certified Criminal Law Specialist, Austin, Texas and Past President of the Texas Defense Lawyers Association.

1 See § 44.3 for Unsworn Declaration of inmate.

End of Document

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Transfer — Fed Res Bldg — For Dept

HARRIS COUNTY SHERIFF'S OFFICE JAIL

Name: Vanzandt Jerome

SPN: 02844916 Cell: 3.3.

Street: 700 Baker

HOUSTON, TEXAS 77002

Indigent

HOUSTON TX 773

02 DEC '16

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U.S. POSTAGE PITNEY BOWES

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United States District Court
Southern District of Texas
FILED

DEC 06 2016

David J. Bradley, Clerk of Court

United States Courthouse
515 Rusk Ave
Houston, Tx 77002

77002-260099